

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v) CR. NO. 2:08CR121-WHA
) (WO)
 JAMES R. RUSSELL)

ORDER

This cause is before the court on the Defendant's Objections to Magistrates Report and Recommendations, filed on October 16, 2008 (Doc. #340).

The facts of this case have been set forth in the Report and Recommendation of the Magistrate Judge (Doc. #315). On October 3, 2008, the Magistrate Judge held an evidentiary hearing on the Defendant's Motion and Memorandum to Suppress All Evidence Derived from the Interception of Telephone Communication. In his Motion, Russell challenged the wiretaps conducted in this case as being unnecessary under 18 U.S.C. § 2518(1)(c).

The Magistrate Judge concluded that the necessity element of the statute was met, and recommended that the Defendant's motion to suppress be denied. The Defendant has objected to the Report and Recommendation, again asserting that the necessity requirement was not met in this case.

The court has conducted a *de novo* review of the record, including the transcript of the evidentiary hearing. *See* 28 U.S.C. § 636 (b)(1). Upon *de novo* review of the entire file, the court agrees with the factual findings of the Magistrate Judge and agrees that the necessity requirement was met in this case, ADOPTS the Magistrate Judge's Report and Recommendation, and OVERRULES the Objection. Accordingly, it is hereby ORDERED that Defendant's Motion to Suppress (Doc. #279) is DENIED.

Done this 20th day of October, 2008.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE